THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 25346 of 2005

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Dated:29.11.2005

Between:

Sri Mohammed Qutbuddin Ghori,

s/o Sri Mohammed Osman Ghori,
r/o H.No.17-1-373, Phisalbanda, Santoshnagar, Hyderabad.

..... PETITIONER

AND

The Station House Officer, Vanastalipuram Police Station,

Cyberabad Commissionerate, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No : 25346 of 2005

DATED: 29.11.2005

ORDER:-

This writ petition is filed to declare the action of the 1st respondent - police in interfering in civil disputes by ignoring the judgment and decree of a competent

civil court dated 05.12.2000 in O.S.No.546 of 2000 on the file of the II Additional Senior Civil Judge, Ranga Reddy District as illegal, arbitrary.

The petitioner submits that he purchased Plot No.10 covered by Sy.No.16 at Saheb Nagar Khurd, Chintalapally village (old), Hayatnagar Mandal, admeasuring 412 Sq. yards vide registered sale deed, dated 23.11.1981 from the original pattedar viz., Pochagani Mallaiah. While so, when the respondents 2 and 3 are illegally started interfering with the peaceful possession and enjoyment of the petitioner over the said property, petitioner filed O.S.No.546 of 2000 on the file of the II Additional Senior Civil Judge Court, Ranga Reddy District and at the first appearance, the respondents 2 and 3 filed a Memo stating that the suit property belongs to the plaintiff and they are not interfering with the peaceful possession of the plaintiff. In view of the aforesaid memo, the suit was decreed without costs by a judgment and decree, dated 05.12.2000.

It is stated that the 3rd respondent, who is working in the Home Department, Secretariat, without having any right, interest or title over the said property along with 2nd respondent, illegally influencing the SHO, Vanastalipuram P.S., Cyberabad Commissionerate, Hyderabad, to settle the civil dispute, and accordingly, the 1st respondent on the instructions of the respondents 2 and 3, illegally calling upon the petitioner and pressurizing him to settle the issue though the respondents 2 and 3 have no right over the said property. It is also stated that on 20.11.2005, the respondents 2 and 3 came to the plot of the petitioner and broke open the locks put on the gate and constantly trying to interfere with the possession. Therefore, the petitioner made a complaint on 23.10.2005 against them before the 1st respondent, but the 1st respondent has not taken any action.

Having regard to the facts and circumstances of the case, the 1st respondent is directed not to interfere with the civil disputes over the said property of the petitioner without there being any report/complaint alleging that the petitioner has committed a cognizable offence and the 1st respondent is also directed to

take appropriate decision on the said complaint filed by the petitioner on 23.10.2005 and communicate the action taken by him to the petitioner, within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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29.11.2005

Note:- Issue CC in two days.

B/o.

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